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October 3, 2014

**VIA ECF AND HAND DELIVERY**

The Honorable Katherine B. Forrest  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: *In re Aluminum Warehousing Antitrust Litig.*, No. 1:13-md-02481-KBF-RLE

Dear Judge Forrest:

The London Metal Exchange (“the LME”) respectfully requests permission to file a short sur-reply to plaintiffs’ reply in further support of their joint motion for reconsideration of dismissal of the London Metal Exchange on foreign sovereign immunity grounds without leave to replead (Doc. No. 593). The LME will be able to file this sur-reply by 10:00 am Monday.

Yesterday at midnight plaintiffs filed a 19-page reply memorandum and, in blatant violation of this Court’s rules (Local Rule 6.3), also filed a new declaration with 15 exhibits totaling about 250 pages (Doc. Nos. 593, 594). Plaintiffs’ reply completely changes the relief that plaintiffs requested in their opening motion. Now they are not only asking the Court to reconsider its denial of leave to amend, but they want the Court to reverse itself completely and hold that the LME is not entitled to sovereign immunity. It appears as if this latest salvo is intended for an audience other than this Court.

Since the LME can easily address briefly each of the points that plaintiffs raise, the LME respectfully requests permission to file a short sur-reply (no more than 10 pages) on Monday by 10:00am to ensure that, in the event of any appeal, its response to these points is in the record.

LATHAM & WATKINS<sup>LLP</sup>

Respectfully submitted,

/s/ Margaret M. Zwisler

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Enclosures

cc: All Counsel of Record (via ECF)